

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/8/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GRACEMARIE VENTICINQUE, individually	:	
and on behalf of a class of similarly situated	:	
persons,	:	
	:	
	:	
Plaintiff,	:	22-CV-7497 (VEC)
-against-	:	
	:	<u>ORDER</u>
	:	
BACK TO NATURE FOODS COMPANY, LLC,	:	
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on September 2, 2022, Plaintiff filed a Complaint against Defendant Back to Nature Foods Company, LLC; Compl., Dkt. 1;

WHEREAS Plaintiff alleges that this Court's subject matter jurisdiction in this matter is premised on diversity, *id.* ¶ 3;

WHEREAS "a limited liability company has the citizenship of its members," *see Jean-Louis v. Carrington Mortg. Servs., LLC*, 849 F. App'x 296, 298 (2d Cir. 2021);

WHEREAS a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs), *see Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51–52 (2d Cir. 2000); *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010);

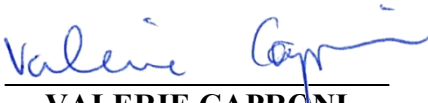
WHEREAS the Complaint alleges that Defendant is a limited liability company that is incorporated under the laws of the State of Delaware and has a principal place of business in New Jersey, *see* Compl. ¶ 2; and

WHEREAS the Complaint made no allegations as to the citizenship of the members of Defendant; and

IT IS HEREBY ORDERED that by no later than **Tuesday, September 13, 2022**, Plaintiff must file an amended complaint that cures the deficiencies described herein or the complaint will be dismissed without prejudice for lack of subject matter jurisdiction.

SO ORDERED.

Date: September 8, 2022
New York, New York



VALERIE CAPRONI
United States District Judge